

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

CR- 07-000024

February 22, 2008
8:10 a.m.

UNITED STATES OF AMERICA -v- SUN, WEI QIN

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
TINA MATSUNAGA, Courtroom Deputy
ERIC O'MALLEY, Assistant U. S. Attorney
VIOLA ALEPUYO, Counsel for Defendant
SUN, WEI QIN, Defendant

PROCEEDING: SENTENCING

Defendant was present with her counsel, Attorney Viola Alepuyo. Government by Eric O'Malley, Assistant U.S. Attorney. Also present was U.S. Probation Officer, Melinda Brunson.

Aby Kwong Leung was present as interpreter/translator of the Mandarin language.

Attorney for defendant Viola Alepuyo stated objections and requested corrections be made to the presentence report.

Court adopted the presentence investigation report, as modified, and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government moved for the defendant to be sentenced at the high end of the guidelines.

Government called **Lin, Xiu Lan** to the witness stand. Xiaohua Jing (Monique Kramer) was present as interpreter/translator of the Mandarin language.

Attorney Alepuyo called the defendant to the witness stand.

Attorney Alepuyo requested that the Court sentence the defendant to the lower end of the guidelines at 33 months.

Court granted the government's request for Ms. Lin to address the Court.

Court recessed at 9:30 a.m.

Court reconvened at 9:40 a.m.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **SUN, WEI QIN** is hereby sentenced to **41 months imprisonment as to Count I; 41 months imprisonment as to Count II; and 41 months imprisonment as to Count III**, which shall be served concurrently under the custody of the Bureau of Prisons with credit for time served. Upon release from imprisonment, the defendant is ordered to serve a term of supervised release of **three years for Count I; three years for Count II and three years for Count III**; all to run concurrently which will include the following conditions:

That the defendant shall be delivered to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. §3583(d), and with the established procedures provided by the Immigration and Nationality Act under 8 U.S.C. § 1101. As a further condition of supervised release, if ordered deported, the defendant shall remain outside and shall not re-enter the United States without the permission of the Attorney General. If deportation fails to occur and the defendant is pending further immigration proceedings, she shall immediately report to the U.S. Probation Office to begin her term of supervised release;

1. The defendant shall not commit any Federal, state, and local crimes;
2. The defendant shall comply with the conditions of Supervised Release as adopted by this Court;
3. The defendant shall not possess a firearm or other dangerous weapon as defined by federal, state, or local law and shall not have these weapons at her residence;
4. The defendant shall cooperate in the collection of DNA as directed by the U.S. Probation Office;
5. The defendant shall not use or possess illegal controlled substances and shall submit to one urinalysis test within 15 days of release from custody, and to two more urinalysis thereafter, not to exceed eight tests per month;
6. The defendant shall perform 500 hours of community service; and
7. The defendant, if released in the United States pending deportation proceedings, shall comply with state, territory, or commonwealth requirements under the Sex Offender Registration and Notification Act and register as a sex offender where she resides and for the initial registration, she shall register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence; she shall provide information required by 42 U.S.C. § 16914; and she shall keep such registration current for the full registration period as set forth in 42 U.S.C. § 16915.

It is ordered that immediately following this Sentencing hearing, the defendant shall pay restitution in the amount of \$9,529.00. Payments shall be remitted to the District Court

of the NMI, ATTN: Clerk of Court, P.O. Box 500687, Saipan MP 96950 for disbursement to Ms. Xiu Lan Lin.

Pursuant to §5E1.2(f) of the guidelines, all fines are waived since it has been determined that the defendant does not have the ability to pay.

It is further ordered that the defendant pay to the United States a special assessment fee of \$300 to be paid immediately after sentencing.

No objection to the sentence by the attorneys. Defendant was advised that she had previously waived her right to appeal the sentence in this case but that if she or her attorney find any other reason in which to appeal that she had ten days in which to do so. Further, the defendant was advised of her right to an attorney for appeal and that the Court will appoint an attorney if she could not afford one.

Defendant was remanded into the custody of the U.S. Marshal.

Adj. 9:45 a.m.

/s/ Tina Matsunaga, Deputy Clerk